

(7) the term “individuals with disabilities” means persons with a mental or physical impairment who require assistance to perform one or more daily living tasks;

(8) the term “national criminal history background check system” means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(9) the term “provider” means—

(A) a person who—

(i) is employed by or volunteers with a qualified entity (including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel);

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity (including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel);

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(10) the term “qualified entity” means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services; and

(11) the term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

(Pub. L. 103-209, § 5, Dec. 20, 1993, 107 Stat. 2493; Pub. L. 103-322, title XXXII, § 320928(a)(3), (j), Sept. 13, 1994, 108 Stat. 2132, 2133; Pub. L. 107-110, title X, § 1075, Jan. 8, 2002, 115 Stat. 2090.)

#### AMENDMENTS

2002—Par. (9)(A)(i). Pub. L. 107-110, § 1075(1), inserted before semicolon at end “(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)”.

Par. (9)(B)(i). Pub. L. 107-110, § 1075(2), inserted before semicolon at end “(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)”.

1994—Par. (5). Pub. L. 103-322, § 320928(a)(3)(A), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “the term ‘child care’ means the provision of care, treatment, education, training, instruction, supervision, or recreation to children by persons having unsupervised access to a child;”.

Pars. (6), (7). Pub. L. 103-322, § 320928(j)(2), added pars. (6) and (7). Former pars. (6) and (7) redesignated (8) and (9), respectively.

Par. (8). Pub. L. 103-322, § 320928(j)(1), redesignated par. (6) as (8). Former par. (8) redesignated (10).

Pub. L. 103-322, § 320928(a)(3)(B), substituted “care” for “child care” wherever appearing.

Pars. (9) to (11). Pub. L. 103-322, § 320928(j)(1), redesignated pars. (7) to (9) as (9) to (11), respectively.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of Title 20, Education.

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

### CHAPTER 68—DISASTER RELIEF

#### SUBCHAPTER I—FINDINGS, DECLARATIONS, AND DEFINITIONS

- Sec.  
5121. Congressional findings and declarations.  
5122. Definitions.

#### SUBCHAPTER II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE

5131. Federal and State disaster preparedness programs.  
    (a) Utilization of services of other agencies.  
    (b) Technical assistance for the development of plans and programs.  
    (c) Grants to States for development of plans and programs.  
    (d) Grants for improvement, maintenance, and updating of State plans.
5132. Disaster warnings.  
    (a) Readiness of Federal agencies to issue warnings to State and local officials.  
    (b) Technical assistance to State and local governments for effective warnings.  
    (c) Warnings to governmental authorities and public endangered by disaster.  
    (d) Agreements with commercial communications systems for use of facilities.
5133. Predisaster hazard mitigation.  
    (a) Definition of small impoverished community.  
    (b) Establishment of program.  
    (c) Approval by President.  
    (d) State recommendations.  
    (e) Uses of technical and financial assistance.  
    (f) Allocation of funds.  
    (g) Criteria for assistance awards.  
    (h) Federal share.  
    (i) National Predisaster Mitigation Fund.  
    (j) Limitation on total amount of financial assistance.  
    (k) Multihazard advisory maps.  
    (l) Report on Federal and State administration.  
    (m) Termination of authority.
5134. Interagency task force.  
    (a) In general.  
    (b) Chairperson.  
    (c) Membership.

#### SUBCHAPTER III—MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION

5141. Waiver of administrative conditions.

Sec.		Sec.	
5142.	Repealed.	5165b.	Management costs.
5143.	Coordinating officers.		(a) Definition of management cost.
	(a) Appointment of Federal coordinating officer.		(b) Establishment of management cost rates.
	(b) Functions of Federal coordinating officer.		(c) Review.
	(c) State coordinating officer.	5165c.	Public notice, comment, and consultation requirements.
5144.	Emergency support teams.		(a) Public notice and comment concerning new or modified policies.
5145, 5146.	Repealed.		(b) Consultation concerning interim policies.
5147.	Reimbursement of Federal agencies.		(c) Public access.
5148.	Nonliability of Federal Government.	SUBCHAPTER IV—MAJOR DISASTER ASSISTANCE PROGRAMS	
5149.	Performance of services.	5170.	Procedure for declaration.
	(a) Utilization of services or facilities of State and local governments.	5170a.	General Federal assistance.
	(b) Appointment of temporary personnel, experts, and consultants; acquisition, rental, or hire of equipment, services, materials and supplies.	5170b.	Essential assistance.
			(a) In general.
5150.	Use of local firms and individuals.		(b) Federal share.
5151.	Nondiscrimination in disaster assistance.		(c) Utilization of DOD resources.
	(a) Regulations for equitable and impartial relief operations.	5170c.	Hazard mitigation.
	(b) Compliance with regulations as prerequisite to participation by other bodies in relief operations.		(a) In general.
5152.	Use and coordination of relief organizations.		(b) Property acquisition and relocation assistance.
5153.	Priority to certain applications for public facility and public housing assistance.		(c) Program administration by States.
	(a) Priority.	5171.	Federal facilities.
	(b) Obligation of certain discretionary funds.		(a) Repair, reconstruction, restoration, or replacement of United States facilities.
5154.	Insurance.		(b) Availability of funds appropriated to agency for repair, reconstruction, restoration, or replacement of agency facilities.
	(a) Applicants for replacement of damaged facilities.		(c) Steps for mitigation of hazards.
	(b) Maintenance of insurance.	5172.	Repair, restoration, and replacement of damaged facilities.
	(c) State acting as self-insurer.		(a) Contributions.
5154a.	Prohibited flood disaster assistance.		(b) Federal share.
	(a) General prohibition.		(c) Large in-lieu contributions.
	(b) Transfer of property.		(d) Flood insurance.
	(c) Omitted.		(e) Eligible cost.
	(d) "Flood disaster area" defined.	5173.	Debris removal.
	(e) Effective date.		(a) Presidential authority.
5155.	Duplication of benefits.		(b) Authorization by State or local government; indemnification agreement.
	(a) General prohibition.		(c) Rules relating to large lots.
	(b) Special rules.		(d) Federal share.
	(c) Recovery of duplicative benefits.	5174.	Temporary housing assistance.
	(d) Assistance not income.		(a) Provision of temporary housing.
5156.	Standards and reviews.		(b) Temporary mortgage and rental payments.
5157.	Penalties.		(c) In lieu expenditures.
	(a) Misuse of funds.		(d) Transfer of temporary housing.
	(b) Civil enforcement.		(e) Notification.
	(c) Referral to Attorney General.		(f) Location.
	(d) Civil penalty.	5175, 5176.	Repealed.
5158.	Availability of materials.	5177.	Unemployment assistance.
5159.	Protection of environment.		(a) Benefit assistance.
5160.	Recovery of assistance.		(b) Reemployment assistance.
	(a) Party liable.	5177a.	Emergency grants to assist low-income migrant and seasonal farmworkers.
	(b) Rendering of care.		(a) In general.
5161.	Audits and investigations.		(b) "Low-income migrant or seasonal farmworker" defined.
	(a) In general.		(c) Authorization of appropriations.
	(b) Access to records.	5178.	Individual and family grant programs.
	(c) State and local audits.		(a) In general.
5162.	Advance of non-Federal share.		(b) Cost sharing.
	(a) In general.		(c) Regulations.
	(b) Terms of loans and advances.		(d) Administrative expenses.
	(c) Regulations.		(e) Administration through Governor.
5163.	Limitation on use of sliding scales.		(f) Limit on grants to individual.
5164.	Rules and regulations.	5179.	Food coupons and distribution.
5165.	Mitigation planning.		(a) Persons eligible; terms and conditions.
	(a) Requirement of mitigation plan.		(b) Duration of assistance; factors considered.
	(b) Local and tribal plans.		
	(c) State plans.		
	(d) Funding.		
	(e) Increased Federal share for hazard mitigation measures.		
5165a.	Minimum standards for public and private structures.		
	(a) In general.		
	(b) Evidence of compliance.		

Sec.		Sec.	
	(c) Food Stamp Act provisions unaffected.		(h) Interstate emergency preparedness compacts.
5180.	Food commodities.		(i) Materials and facilities.
	(a) Emergency mass feeding.		(j) Financial contributions.
	(b) Funds for purchase of food commodities.		(k) Sale or disposal of certain materials and facilities.
5181.	Relocation assistance.	5196a.	Mutual aid pacts between States and neighboring countries.
5182.	Legal services.	5196b.	Contributions for personnel and administrative expenses.
5183.	Crisis counseling assistance and training.		(a) General authority.
5184.	Community disaster loans.		(b) Plan requirements.
	(a) In general.		(c) Terms and conditions.
	(b) Amount.		(d) Application of other provisions.
	(c) Repayment.		(e) Allocation of funds.
	(d) Effect on other assistance.		(f) Submission of plan.
5185.	Emergency communications.		(g) Annual reports.
5186.	Emergency public transportation.	5196c.	Requirement for State matching funds for construction of emergency operating centers.
5187.	Fire management assistance.	5196d.	Use of funds to prepare for and respond to hazards.
	(a) In general.	5196e.	Radiological Emergency Preparedness Fund.
	(b) Coordination with State and tribal departments of forestry.		PART B—GENERAL PROVISIONS
	(c) Essential assistance.	5197.	Administrative authority.
	(d) Rules and regulations.		(a) In general.
5188.	Timber sale contracts.		(b) Advisory personnel.
	(a) Cost-sharing arrangement.		(c) Services of other agency personnel and volunteers.
	(b) Cancellation of authority.		(d) Gifts.
	(c) Public notice of sale.		(e) Reimbursement.
	(d) State grants for removal of damaged timber; reimbursement of expenses limited to salvage value of removed timber.		(f) Printing.
5189.	Simplified procedure.		(g) Rules and regulations.
5189a.	Appeals of assistance decisions.		(h) Failure to expend contributions correctly.
	(a) Right of appeal.	5197a.	Security regulations.
	(b) Period for decision.		(a) Establishment.
	(c) Rules.		(b) Limitations on employee access to information.
5189b.	Date of eligibility; expenses incurred before date of disaster.		(c) National security positions.
			(d) Employee oaths.
		5197b.	Use of existing facilities.
		5197c.	Annual report to Congress.
		5197d.	Applicability of subchapter.
		5197e.	Authorization of appropriations and transfers of funds.
			(a) Authorization of appropriations.
			(b) Transfer authority.
		5197f.	Relation to Atomic Energy Act of 1954.
		5197g.	Federal Bureau of Investigation.
		5197h.	Minority emergency preparedness demonstration program.
			(a) In general.
			(b) Activities supported.
			(c) Eligible organizations.
			(d) Use of funds.
			(e) Application and review procedure.
			(f) Authorization of appropriation.
			SUBCHAPTER V—MISCELLANEOUS
		5201.	Rules and regulations.
		5202.	Repealed.
		5203.	Excess disaster assistance payments as budgetary emergency requirements.
		5204.	Insular areas disaster survival and recovery; definitions.
		5204a.	Authorization of appropriations for insular areas.
		5204b.	Technical assistance for insular areas.
		5204c.	Hazard mitigation for insular areas.
		5205.	Disaster grant closeout procedures.
			(a) Statute of limitations.
			(b) Rebuttal of presumption of record maintenance.
			(c) Binding nature of grant requirements.
		5206.	Buy American.
			(a) Compliance with Buy American Act.
			(b) Debarment of persons convicted of fraudulent use of "Made in America" labels.

#### SUBCHAPTER IV—A—EMERGENCY ASSISTANCE PROGRAMS

5191. Procedure for declaration.
- (a) Request and declaration.
- (b) Certain emergencies involving Federal primary responsibility.
5192. Federal emergency assistance.
- (a) Specified.
- (b) General.
5193. Amount of assistance.
- (a) Federal share.
- (b) Limit on amount of assistance.

#### SUBCHAPTER IV—B—EMERGENCY PREPAREDNESS

5195. Declaration of policy.
- 5195a. Definitions.
- (a) Definitions.
- (b) Cross reference.
- 5195b. Administration of subchapter.
- 5195c. Critical infrastructures protection.
- (a) Short title.
- (b) Findings.
- (c) Policy of the United States.
- (d) Establishment of national competence for critical infrastructure protection.
- (e) Critical infrastructure defined.
- (f) Authorization of appropriations.

#### PART A—POWERS AND DUTIES

5196. Detailed functions of administration.
- (a) In general.
- (b) Federal emergency response plans and programs.
- (c) Delegation of emergency preparedness responsibilities.
- (d) Communications and warnings.
- (e) Emergency preparedness measures.
- (f) Training programs.
- (g) Public dissemination of emergency preparedness information.